

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FAMILIAS UNIDAS POR LA JUSTICIA,	)	No.
	)	
Plaintiff,	)	NOTICE OF REMOVAL OF CASE TO
	)	UNITED STATES DISTRICT COURT FOR
vs.	)	THE WESTERN DISTRICT OF
	)	WASHINGTON
SAKUMA BROTHERS FARMS, INC.,	)	
	)	
Defendant.	)	

TO: THE CLERK OF THE COURT

TO: Plaintiff Familias Unidas por la Justicia

AND TO: Plaintiff's counsel, Kathleen Phair Barnard and Laura Ewan of Schwerin  
Campbell Barnard Iglitzin & Lavitt LLP

Defendant Sakuma Brothers Farms, Inc. hereby gives notice of removal of a civil action now pending in Washington State Superior Court in Skagit County to the United States District Court for the Western District of Washington.

1. Removal is based on 28 U.S.C. § 1441, and also on grounds that this court has federal question jurisdiction under 28 U.S.C. § 1331, because the complaint asserts claims arising under the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 ("IRCA"), 8 U.S.C. § 1188.

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

NOTICE OF REMOVAL -- 1

No.

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**GRAHAM & DUNN** PC  
Pier 70, 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599

3. Sakuma's (April 11, 2014) application to participate in the federal H-2A guest worker program is pending before the U.S. Department of Labor. The H-2A program is authorized by IRCA, and compliance with all H-2A requirements is vigorously enforced by the Department of Labor. 20 C.F.R. 655.100 *et seq.*; 20 C.F.R. 653.500-503 and 29 C.F.R. 655.122(d).

4. The WLAD cause of action raises a federal question and removal is appropriate because IRCA regulates family housing requirements for H-2A employers. *See Farmer v. Employment Sec. Comm'n*, 4 F.3d 1274, 1284 (4th Cir. 1993). H-2A employers are a "specific, highly regulated group of employers," subject to the more exacting provisions of IRCA (instead of the more general provisions of the federal Fair Housing Act or state laws like RCW 49.60.222). *Id.* *See also Hernandez v. Everfresh*, 923 F. Supp. 1305 (1996) (Fair Housing Act is inapplicable to H-2A employers). In accordance with IRCA, the H-2A regulations clearly provide that family housing for H-2A employers is only required where Department of Labor determines that it is the "prevailing practice" in the area of intended employment and in the occupation (regardless of RCW 49.60.222 or any other state law). 20 C.F.R. 655.122(d)(5).

5. This action was filed in Skagit County Superior Court on May 16, 2014; Defendant was served on or about May 15, 2014. A copy of plaintiff's Complaint is attached as **Exhibit A** hereto. As required by 28 U.S.C. § 1446(b), this Notice of Removal is timely in that it has been filed within thirty (30) days of the first receipt of the summons and complaint by defendant.

6. A copy of this Notice of Removal is being served upon plaintiff pursuant to 28 U.S.C. § 1446(d). A copy of this Notice of Removal is also being filed with the clerk of the Skagit County Superior Court.

**WHEREFORE, NOTICE IS HEREBY GIVEN** that the above-captioned action, previously pending in the Superior Court of Washington for Skagit County, is hereby **REMOVED** to this court.

NOTICE OF REMOVAL -- 2

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Seattle, Washington 98121-1128  
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1 DATED this 16<sup>th</sup> day of May, 2014.

2 s/Adam S. Belzberg  
3 Adam S. Belzberg, WSBA #41022  
4 GRAHAM & DUNN PC  
5 Pier 70, 2801 Alaskan Way Ste 300  
6 Seattle, WA 98121-1128  
7 Tel: (206) 340-9654  
8 Fax: (206) 340-9599  
9 Email: [abelzberg@grahamdunn.com](mailto:abelzberg@grahamdunn.com)  
10 *Attorneys for Defendant Sakuma Brothers Farms*  
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NOTICE OF REMOVAL -- 3

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**CERTIFICATE OF SERVICE**

The undersigned declares as follows: on the 16th day of May, 2014, a copy of the foregoing document was served on counsel for plaintiff, via the court's CM/ECF system, at the address set forth below.

Kathleen Phair Barnard  
Laura E. Ewan  
Schwerin Campbell Barnard Iglitzin & Lavitt LLP  
18 West Mercer St Ste 400  
Seattle, WA 98119-3971  
[barnard@workerlaw.com](mailto:barnard@workerlaw.com)  
[ewan@workerlaw.com](mailto:ewan@workerlaw.com)

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Seattle, Washington this 16th day of May, 2014.

s/Adam S. Belzberg  
Adam S. Belzberg, WSBA #41022  
GRAHAM & DUNN PC  
Pier 70, 2801 Alaskan Way Ste 300  
Seattle, WA 98121-1128  
Tel: (206) 340-9654  
Fax: (206) 340-9599  
Email: [abelzberg@grahamdunn.com](mailto:abelzberg@grahamdunn.com)  
*Attorneys for Defendant Sakuma Brothers Farms, Inc.*

NOTICE OF REMOVAL -- 4

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